DOCUMENT RESUME

ED 456 589 EC 308 573

| | |
|---|---|
| AUTHOR | Muller, Eve; Linehan, Patrice |
| TITLE | Federal Disability Terms: A Review of State Use. Quick Turn Around (QTA). |
| INSTITUTION | Special Education Programs (ED/OSERS), Washington, DC. |
| SPONS AGENCY | Department of Education, Washington, DC. |
| PUB DATE | 2001-07-00 |
| NOTE | 12p.; Produced by Project Forum at NASDE. |
| CONTRACT | H159K70002 |
| AVAILABLE FROM | National Association of State Directors of Special Education, 1800 Diagonal Rd., Suite 320, Alexandria, VA 22314. Tel: 703-519-3800, ext. 312; Tel: 703-519-7008 (TDD). For full text: http://www.nasde.org/forum.htm. |
| PUB TYPE | Reports - Research (143) |
| EDRS PRICE | MF01/PC01 Plus Postage. |
| DESCRIPTORS | *Classification; *Definitions; *Disabilities; Elementary Secondary Education; Federal Legislation; *Federal Regulation; National Surveys; *Special Education; *State Programs; Vocabulary |
| IDENTIFIERS | Amendments; Individuals with Disabilities Educ Act Amend 1997 |

ABSTRACT

This Quick Turn Around issue analysis summarizes information gathered by Project FORUM on the disability terms used by state education agencies (SEAs). All 50 states and 6 non-state jurisdictions returned completed surveys between February and April 2001. Of the 56 respondents, 18 SEAs report having aligned their terminology completely with the 12 federal disability terms. Seven other states report using all but one of the exact federal disability terms. One of these seven states replaces "specific learning disabilities" with the similar term "learning disability." One state explicitly uses the term "visual impairment including blindness" in place of the federal category for "visual impairment," and another state does not use the category "multiple disabilities." In the four others, an alternate term is used in place of "mental retardation" and/or "emotional disturbance." Results from the survey indicate SEAs are most likely to use exact federal disability terms for the two newest disability categories required for federal reporting, autism and traumatic brain injury. SEAs were least likely to use the exact federal disability term "emotional disturbance." Although 36 SEAs use the exact term, 20 use alternate terms such as emotional disability, behaviorally disordered, and emotional/behavioral disability. (CR)

Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 456 589

NATIONAL ASSOCIATION OF STATE DIRECTORS
OF SPECIAL EDUCATION, INC.

QUICK TURN AROUND
PROJECT FORUM

# QTA – A BRIEF ANALYSIS OF A CRITICAL ISSUE IN SPECIAL EDUCATION

# FEDERAL DISABILITY TERMS: A REVIEW OF STATE USE

By

EVE MULLER &
PATRICE LINEHAN

JULY 2001

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

EC 308573



BEST COPY AVAILABLE

Quick Turn Around

Project FORUM

QTA – A brief analysis of a critical issue in special education

## Federal Disability Terms: A Review of State Use

July 2001

*By Eve Müller and Patrice Linehan*

### Purpose

This Quick Turn Around summarizes information gathered by Project FORUM on the disability terms used by state education agencies (SEAs). The study was carried out as part of Project FORUM's cooperative agreement with the U.S. Department of Education's Office of Special Education Programs (OSEP). The document describes whether SEAs use exact federal disability terms, alternate terms, or additional terms. It also describes any subcategories used by SEAs – such as *mild*, *moderate*, and *severe mental retardation*.

### Background & Federal Legislation

Currently, SEAs must report annually on the number of students served under IDEA in each of the following disability categories: 1) *autism*, 2) *deaf-blindness*, 3) *emotional disturbance*, 4) *hearing impairment*, 5) *mental retardation*, 6) *multiple disabilities*, 7) *orthopedic impairment*, 8) *other health impairment*, 9) *specific learning disability*, 10) *speech or language impairment*, 11) *traumatic brain injury*, and 12) *visual impairment*. It is important to note that educational services are determined by the needs of the child rather than a categorical label.

These disability categories have evolved over time. For example, in the first year of national data collection on disabilities, 1976-77, data were collected in nine disability categories under the Education of All Handicapped Children Act (EAHCA), which changed to the Education of the Handicapped Act (EHA) in 1985. At that time, *hard-of-hearing* and *deaf* were two separate categories under EAHCA.

*Multihandicapped* and *deaf-blind* were added as categories in 1978-79. In 1990, EHA was renamed the Individuals with Disabilities Education Act (IDEA) during congressional reauthorization of the Act, and some of the disability category terms were changed slightly. For example, *learning disabled* became *specific learning disabilities* and *mentally retarded* changed to *mental retardation*. Later, *multihandicapped* became *multiple disabilities*, and the word *serious* was removed from *serious emotional disturbance*.

Other changes under P.L. 101-476 in 1990 were: (1) *hard-of-hearing* and *deaf* were combined under the term *hearing impairments*; and, (2) two additional categories, *autism* and *traumatic brain injury* (*TBI*) were added. *Autism* and *TBI* were required for reporting purposes for the first time in 1992-93.

In 1997 Congress reauthorized IDEA and allowed states and local districts use of the term *developmental delay* (*DD*) through age 9. While states had been allowed to add *DD* as an eligibility category for children ages 3-5 since 1991, the reauthorization of 1997 permitted use of this category for older children covered under Part B of the law. The term *developmental delay* provides educators the option of planning and implementing programs for young children with disabilities without attaching a specific disability label.

EC308573

*Developmental delay* is an optional reporting category.

Massachusetts had a unique arrangement with OSEP to comply with federal child count requirements. It is important to cite this state example because it provides a historical perspective of state challenges related to non-categorical eligibility procedures. The Massachusetts special education law, known as Chapter 766 and originally passed in 1974 prior to passage of P.L. 94-142, reflected the position that labels can be stigmatizing.

Implementing regulations categorized eligible children with disabilities on the basis of the amount of time spent outside general education. For example, students who spent up to 25 percent of their time in special education were designated "502.2 prototype" without regard to type of disability. Upon passage of the federal law and the initiation of federal data requirements, Massachusetts negotiated an agreement whereby the state would conduct periodic incidence studies and devise a formula for converting the prototype data into reporting categories to meet federal data requirements, and this agreement has been in force for over 25 years.

Beginning with the 2001-2002 school year, this procedure will be discontinued as a result of legislative and regulatory changes in Massachusetts that require the use of federal disability categories. Although Massachusetts will now use disability categories for eligibility, the state law explicitly requires that schools not use such labels to limit services or programs offered to the student through the IEP.

**Information Gathering**

Information gathering for this study was carried out in two phases. During the first phase, Project FORUM conducted a search of the National State Policy Database,[1] and referred to previous work done under the NASDSE subcontract with WESTAT. In addition, Project FORUM searched available web sites for each state's department of education, department of special education, and legislature.

During the second phase, Project FORUM prepared individualized surveys for each SEA by using information gathered from the above mentioned sources. Surveys were sent out in January 2001, and SEAs were requested to confirm the accuracy of the collected information, or correct any inaccuracies. For the purposes of this document, *federal categories* refers to the current 12 categories listed on page 1 of this document. Although *deafness* is still used as a category by some SEAs, it is no longer used for federal child count purposes and is generally subsumed under *hearing impairment*.

All fifty states and six non-state jurisdictions returned completed surveys between February and April 2001. The survey results from these 56 SEAs are summarized below in narrative format. A table with data on how many SEAs use exact terms and how many use alternate terms, including examples of alternate terms, is located at the end of the document.

**Use of Federal Disability Categories**

Of the 56 respondents, 18 SEAs report having aligned their terminology completely with the 12 federal disability terms (AL, AR, CA, IL, KS, MD, NH, NM, OK, SD, TN, TX, VA, AS, BIA[2], CNMI[3], GU, VI). Seven other

[1] The National State Policy Database at http://www.glarrc.org/Resources/NSPD.cfm is a joint project of NASDSE and the Great Lakes Regional Resource Center to provide searchable access to state department of education rules and regulations for Special Education. Currently, 38 states have their policy documents in this database and efforts are being made to expand participation to all states.

[2] BIA=Bureau of Indian Affairs

states report using all but one of the exact federal disability terms (AK, HI, LA, ME, NY, ND, OH). One of these seven states replaces *specific learning disability* with the similar term *learning disability*. One state explicitly uses the term *visual impairment including blindness* in place of the federal category for *visual impairment*, and another state does not use the category *multiple disabilities*. In the four others, an alternate term is used in place of *mental retardation* and/or *emotional disturbance*.

Information relating to SEAs' use of alternate terms is located in the following sections. Some terms differ only slightly from federal disability terms, whereas others differ more significantly. Possible implications of these differences are also discussed.

*Autism and Traumatic Brain Injury*

SEAs are most likely to use exact federal disability terms for the two newest disability categories required for federal reporting, *autism* and *TBI*. This may be because *autism* and *TBI* are considered more current terminology than disability category terms developed earlier or it may be that adopting different terms is a long process that has not yet fully occurred in some states.

Fifty-three SEAs use the exact term for *autism*, and only three use alternate terms, including the more inclusive terms *autism/ pervasive developmental disorder* (PA) and *autism spectrum disorder* (RI), as well as the broader and less precise term *physical disability* (CO).

Fifty-one SEAs use the exact term *TBI*. Three use alternate terms, including *neurological impairment* (MA) and *head injury* (IA), and the more general category of *physical disability* (CO). One SEA reports students with *TBI* in the category of *other health impairment* (Palau). One state does not use the term and reports zero for the number of students, but currently is changing its rules to add TBI (MI). A more detailed Project FORUM document on TBI is available at:www.nasdse.org/forum.htm.

*Emotional Disturbance versus Behavioral Disorder*

SEAs were least likely to use the exact federal disability term *emotional disturbance*. Although 36 SEAs use the exact term, 20 (almost 36%) use alternate terms (e.g., *emotional disability*, *behaviorally disordered*, *emotional /behavioral disability*).

The alternate terms for *emotional disturbance* can be grouped into one of three categories: (1) those which, like the federal disability term, emphasize the *emotional* component of the disturbance (AZ, ME, WY, CO, FL, IN, MA, MI); (2) those which emphasize the *behavioral* component of the disturbance (IA, NE, OH, WV); and, (3) those which emphasize both *emotional and behavioral* components of the disturbance (GA, MN, KY, VT, WA, MO, NM, NC). These differences among terms reflect the current debate among educators as to whether the condition is more appropriately defined in terms of causes (i.e., underlying emotional disturbance) or in terms of symptoms (i.e., behaviors).

*Sensory Impairments*

Although the majority of SEAs use exact federal disability terms for sensory impairments (i.e., *hearing impairment*, *visual impairment*, and *deaf-blindness*), some states use either alternate terms or different classification systems for reporting sensory impairments.

Forty-seven SEAs report using the federal disability term *hearing impairment*. The remaining nine use alternate terms, including six states that continue to use the phrase *hard of hearing* in lieu of *hearing impairment* (FL,

[3] CNMI=Commonwealth of the Northern Mariana Islands

GA, SC, VT, WV, WY). The other three states use the terms *auditorily impaired* (NJ), *hearing disability* (CO) and *sensory impairment-hearing* (MA). Additionally, five of the nine states use terms which explicitly combine the categories of *deafness* and *hard of hearing* rather than including those terms under *hearing impairment* (FL, GA, SC, VT, WV).

Although information on *deafness* was not requested by Project FORUM because it is no longer a federal reporting category, 43 SEAs provided this information on the survey form. Twenty-seven of the 43 SEAs reported using a separate category for *deafness*, and later roll the number into the category of *hearing impairment* for federal reporting. While more SEAs may have retained a separate category for *deafness* despite the change made under P.L. 101-476 in 1990, the exact number cannot be determined from Project FORUM's survey data. However, 16 SEAs explicitly reported NOT using the term *deafness*.

A total of 49 of the 56 SEAs use the exact federal disability term *visual impairment*. Seven states use alternate terms, including terms which explicitly combine *blindness and visual impairment* (HI, MO, RI, WV). Other alternate terms include: *visual disability* (CO), *visually handicapped* (CT), and *sensory impairment – vision* (MA).

Forty-five SEAs report using the exact term *deaf-blindness*, and five states use the following comparable terms: *deaf blind* (MS, NC), *dual sensory impaired* (FL, IN), and *sensory impairment–deaf blind* (MA). Two SEAs, however, use alternate terms that differ significantly from the federal disability term. These terms are *multiple disability with severe sensory impairment* (AZ), and *other severe disability* (WI). Of the four states that do not use the term *deaf-blindness*, three states report students with this condition under *hearing impairment* or *visual impairment* (MI, NV, VT), and another reports these students under *multiple disabilities* (CO).

*Multiple Disabilities*

Ten SEAs do not use the *multiple disabilities* category (DE, FL, GA, MA, MT, ND, OR, VT, WI, WV); however, one of these states uses the term for reporting even though it is not defined in the state regulations (MA). Anecdotal information from SEA data specialists suggests that some SEAs are moving away from using the term *multiple disabilities*. Instead, SEAs are reporting students under the term that describes the primary disabling condition. While the practice of using a specific disability term may help focus on the most salient educational needs of students, resulting data may not reflect their broader educational needs.

*Orthopedic Impairment and Other Health Impairment*

Forty-eight SEAs report using the exact federal disability term *orthopedic impairment*, and 46 report using the federal disability term *other health impairment*. Two states, however, combine the conditions into a single comprehensive category titled *physical/other health impairment* (MI, MO). Two states include children with both physical disabilities and other health impairments under the single term *physical disability* (CO, MS), and one SEA reports both *orthopedic impairment* and *other health impairment* under the latter category (Palau). One state does not have a category for *other health impairment* (DE).

*Developmental Delay*

In some cases it is difficult to identify the exact nature of a disability in the early years. The option to serve students using the term *developmental delay*, recently extended through age 9, is thought to allow students access to necessary services without the risk of attaching inappropriate labels when the specific disability is unclear.

Thirty-seven SEAs use the exact term *developmental delay*. A number of similar

terms are used by 17 other SEAs in place of *DD* (e.g., *pre-school developmental delay*, *pre-school delay*, *eligible for early childhood special education*). Currently, two SEAs do not use the term *developmental delay* (IA, AS).

Because state policy is still evolving around the optional use and extended age range for *developmental delay*, many variations can be found. Some states are piloting the age range for *developmental delay* or a state-designated disability term similar to *developmental delay*, and others are reportedly considering adopting the federal term *developmental delay*.[4]

*Additional Disability Terms*

Although most states use 12 disability terms, that are comparable if not identical to the federal disability terms, 8 SEAs report using additional terms (CA, CT, FL, NC, VA, WI, CNMI, GU). Examples of these include terms used to describe conditions, such as *neurologically impaired*[5] (CT), and *established medical conditions* (CA, FL). Other terms are used to describe severity of disability (VA, WI), or to identify young children who are "at risk" (GU). Still other terms are used to describe location of services such as *homebound/ hospitalized* (FL, CNMI), and *separate facility* (CNMI).

*Disability Subcategories*

Some SEAs report breaking major disability categories into subcategories. It is unclear, however, precisely how many states engage in this practice because this question was not asked explicitly. The most commonly reported subcategories are for *mental retardation*, and appear to be used to distinguish severity. For example, *mild*, *moderate*, *severe* and *profound mental retardation* are used in seven states (AZ, GA, ID, MN, NE, NV, WV). Other states use the terms *educable* and *trainable mental retardation* in place of *mild* and *moderate* (DE, FL, MS, MI).

Additional uses of subcategories include the following classifications:

(1) *speech or language impairment* according to type (SD, ID) – e.g., *language impairment* and *speech impairment*, and *articulation*, *fluency*, *voice* and *language*

(2) *emotional disturbance* according to type (IA) – e.g., *deviant*, *disruptive*, *aggressive or impulsive behaviors*, *withdrawn or anxious*, or *thought processes manifested with unusual communication or behavioral patterns or both*;

(3) *developmental delay* according to severity and type – e.g., *preschool moderately delayed*, *preschool severely delayed*, and *preschool speech/language disordered* (AZ);

(4) *hearing impairment* according to severity (LA, NV);

(5) *visual impairment* according to severity (NE, NV);

(6) specific *learning disability* according to domain – e.g., math calculation and reading comprehension (MS);

(7) *multiple disabilities* according to whether or not they include *severe sensory impairment* (AZ); and,

(8) *emotional disturbance* according to location of services – e.g., *emotional disturbance in separate school* (AZ).

**Summary and Conclusions**

Disability terms have evolved over time and federal terms have changed since national level reporting began in 1976-77. SEAs report that they are in the process of aligning their disability terms with the federal disability terms, including the use of *developmental*

[4] For a complete and updated report of SEA terminology and age ranges used in reporting *developmental delay*, please refer to the National Early Childhood Technical Assistance System (NECTAS) web site at: www.nectas.unc.edu/devdelay/ddtable

[5] The term *neurologically impaired* is reported under *specific learning disability* for child count.

*delay*. A number of states have completely adopted the federal disability categories, and only a few have retained more than a handful of alternate terms. Furthermore, most of the differences between state terms and federal terms are minor. For instance, many SEAs use *disability*, *handicap*, *disorder*, *condition* and *impairment* interchangeably. Other SEAs replace conditions such as *emotional disturbance* with descriptors such as *emotionally disturbed*.

The scope of this document was limited to the question of whether SEAs use exact federal disability terms, alternate terms, or additional terms. Further studies might explore the apparent trend toward using a primary disability category rather than *multiple disabilities;* how SEAs define particular disabilities, determine eligibility, or use disability terms for state reporting; and the relationship between age of identification, type of services, and the use/non-use of certain categories (e.g., *autism)*. Although some states provided information on how they convert state disability categories into federal disability categories for reporting purposes, because this was not explicitly requested from SEAs for this activity procedures were unclear.

For more information on SEAs' use of disability categories, readers are encouraged to refer to the National State Policy Database:

http://www.glarrc.org/Resources/NSPD.cfm

This report was supported in whole or in part by the U.S. Department of Education (Cooperative Agreement No. H159K70002). However, the opinions expressed herein do not necessarily reflect the position of the U.S. Department of Education, and no official endorsement by the Department should be inferred.
*Note: There are no copyright restrictions on this document; however, please credit the source and support of federal funds when copying all or part of this material.*

IDEAs that Work
U.S. Office of Special Education Programs

This document, along with many other FORUM publications, can be downloaded from the Project FORUM at NASDSE web address:

http://www.nasdse.org/forum.htm

To order a hard copy of this document or any other FORUM publications, please contact Carla Burgman at 703-519-3800 ext. 312 or carla@nasdse.org

## Disability Categories Chart (N=56)

| Federal Disability Term | SEAs using **exact** federal disability term | SEAs using **similar or alternate** term in place of federal disability term | No such term used by SEA | Similar/alternate terms |
|---|---|---|---|---|
| Autism | 53 | 3 | | Autism/PDD (PA), Autism Spectrum Disorder (RI) Physical Disability (CO) |
| Deaf-Blindness | 45 | 7 | 4 | Deaf Blind (MS, NC), Dual Sensory Impaired (FL, IN), Hearing Impairment (NV), Multiple Disability with Severe Sensory Impairment (AZ), Other Severe Disability (WI), Sensory Impairment – Deaf Blind (MA) |
| Emotional Disturbance | 36 | 20 | | Behavior Disorder (WV), Behavioral Disorders/Emotional Disturbances (MO), Behaviorally Disordered (IA, NE), Behaviorally/Emotionally Disabled (NC), Emotional Disability (AZ, ME, WY), Emotional Handicap (IN), Emotional Impairment (MA, MI), Emotional/Behavioral Disability (KY, VT, WA), Emotionally/Behaviorally Disordered (GA, MN), Emotionally Handicapped/Severely Emotionally Disturbed (FL) Seriously Emotionally/Behaviorally Disturbed (NM), Severe Behavior Disorder (OH), Significant Identifiable Emotional Disability (CO) |
| Hearing Impairment | 47 | 9 | | Auditorily Impaired (NJ), Deaf(ness)/Hard of Hearing (FL, GA, SC, VT, WV), Hard of Hearing (WY), Hearing Disability (CO), Sensory Impairment – Hearing (MA) |
| Mental Retardation | 32 | 24 | | Cognitive Delay (MT), Cognitive Disability (WI), Cognitive Impairment (ID, NJ), Developmentally Handicapped (OH), Educational Disability (MS), Intellectual Disability (CT, GA, UT), Intellectual Impairment (MA), Learning Impairment (VT), Mental Disability (IA, KY, LA, NC, SC, WY), Significant Limited Intellectual Capacity (CO), Mental Impairment (MN, MI, WV), Mentally Handicapped (FL, IN, NE) |
| Multiple Disabilities | 40 | 6 | 10 | Multi-handicapped (CT, NC), Multiple Handicap (IN), Multiple Impairments (NV), Severe Multiple Impairment (MI, MN) |
| Orthopedic Impairment | 48 | 7 | 1 | Physical Disability (CO, MS, PA), Physical Impairment (MA, MN), Physical/Other Health Impairment (MI, MO) |

| Federal Disability Term | SEAs using **exact** federal disability term | SEAs using **similar or alternate** term in place of federal disability term | No such term used by SEA | Similar/alternate terms |
|---|---|---|---|---|
| Other Health Impairment | 46 | 9 | 1 | Chronic/Acute Health Impairment (VT), Health Impairment (ID, MA, WA), Health Impairment Other than Orthopedic Impairment (NV), Physical Disability (CO, MS), Physical/Other Health Impairment (MI, MO) |
| Specific Learning Disability | 48 | 8 | | Identifiable Learning Disability (CT), Learning Disability (IA, ID, IN, NY, WI, WY), Perceptual/Communicative Disability (CO) |
| Speech or Language Impairment | 45 | 11 | | Communication Impairment (IA, MA, NJ), Communicative Disorder (IN, OR, UT, WA), Language Impairment and Speech Impairment (ID), Speech or Language Disability (CO, MS), Speech Language Disorders (MO) |
| Traumatic Brain Injury | 51 | 3 | 2 | Head Injury (IA), Neurological Impairment (MA), Physical Disability (CO) |
| Visual Impairment | 49 | 7 | | Blind and Partially Sighted (WV), Sensory Impairment- Vision (MA), Visual Disability (CO), Visual Impairment/Blind (MO), Visual Impairment Including Blindness (HI, RI), Visually Handicapped (CT) |
| Developmental Delay | 37 | 17 | 2 | Child w. a Disability (MT), Developmental Disability…Not Enrolled in Public School (WY), Eligible for Early Childhood Special Education (MN), Eligible for Essential Early Education (VT), Individual w. Exceptional Needs or Established Medical Condition (CA), Noncategorical Delay (ND), Pre-primary Impaired (MI), Preschool Child or Infant/Toddler w. a Disability (CO), Preschool Child w. a Disability (OH, SC), Preschool Delay (AZ), Preschool Developmental Delay (AK), Preschool Disabled (NJ), Preschool Special Needs (WV), Preschool Student w. a Disability (NY), Significant Developmental Delay (GA, WI) |
| Additional Terms | At Risk (0-2 years) (GU), Established Conditions (FL), Established Medical Disability (CA), Homebound/Hospitalized (FL), Medical/Hospital/Homebound (CNMI), Neurologically Impaired (CT), Other Severe Disability (WI), Pregnancy (NC), Separate Facility (CNMI), Severe Disability (VA) | | | |